



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

October 8, 2015

Julie Hall-Panameño, Director
Los Angeles Unified School District
Educational Equity Compliance Office - 20th Floor
333 South Beaudry Avenue
Los Angeles, California 90017

(In reply, please refer to case no. 09-15-1332.)

Dear Director Hall-Panameño:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against the Los Angeles Unified School District (District). The complainant alleged that the District discriminated against the Student.¹ Specifically, the complainant alleged that the Student was subjected to different treatment on the basis of race when he was not permitted to attend a school field trip in May 2015, and the District failed to respond adequately to the complaint.

OCR investigated the complaint under the authority of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities operated by recipients of Federal financial assistance. The District receives funds from the Department, is a public education entity, and is subject to the requirements of Title VI and its implementing regulations.

To investigate this case, OCR spoke with the complainant and reviewed documentation provided by the District.

Under Section 302 of OCR's Complaint Processing Manual, a complaint issue may be resolved at any time when, before the conclusion of an investigation, a District expresses an interest in resolving the issue. Prior to the completion of OCR's investigation, the District informed OCR that it would voluntarily take steps to address the issue raised by the complainant. The District entered into an agreement to resolve the complaint on October 7, 2015. Accordingly, OCR did not complete its investigation or reach conclusions regarding the District's compliance with Title VI with regards to issue.

¹ OCR notified the District of the identities of the Student and the complainant when the investigation began. OCR is withholding their names from this letter to protect their privacy.

The applicable legal standards, the facts gathered during the investigation, and the reasons for our determinations are summarized below.

LEGAL STANDARDS

The regulation implementing Title VI at 34 C.F.R. § 100.3(a) and (b)(1)(i)-(iv) provides that no person shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which Title VI applies. A recipient under any program may not, directly or through contractual or other arrangements, on the ground of race, color or national origin, deny an individual any service, financial aid, or other benefit provided under the program; provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; subject an individual to segregation or separate treatment in any matter related to his/her receipt of any service, financial aid, or other benefit under the program; or restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.

To determine whether a recipient has subjected students to different treatment, OCR looks at whether there is evidence that the students were treated differently than students of a different race, under similar circumstances, and whether the treatment has resulted in the denial or limitation of education services, benefits, or opportunities.

If there is such evidence, OCR examines whether the District provided a nondiscriminatory reason for its actions and whether there is evidence that the stated reason is a pretext for discrimination. For OCR to find a violation, the preponderance of the evidence must establish that the District's actions were based on the student's race/national origin.

Under Title VI and the regulations, once a school district has notice of possible discrimination on the basis of race, color or national origin, it is responsible for determining what occurred and responding appropriately. OCR evaluates the appropriateness of the responsive action by assessing whether it was prompt, thorough, and effective. What constitutes a reasonable response to discrimination will differ depending upon the circumstances. However, in all cases the district must promptly conduct an impartial inquiry designed to reliably determine what occurred. The response must be tailored to stop the discrimination, eliminate the hostile environment, and remedy the effects on the student who was harassed.

FACTS

OCR's initial investigation revealed the following:

- The Student is African American and attends a school in the District. During the 2014-15 school year, he was in the second grade. The Student's second grade teacher (Teacher) was a white woman.
- The complainant alleged that the Student was not permitted to go on a school field trip in May 2015 because of his race.
- The complainant stated that the teacher called her at the end of April 2015 and said that because of the Student's behavior that day, he would not be on a field trip the following week. The complainant reported that no paperwork was provided to her explaining why the Student could not attend the fieldtrip.
- The complainant reported that the Student did not attend the May fieldtrip and ended up sitting in the School's office. The complainant stated that the day after the fieldtrip (after she learned from the Student that he had not attended the fieldtrip), she spoke to the Principal about the incident and wanted to know why she was not contacted about the Student not attending the fieldtrip. The complainant stated that the Principal told her he would look into the situation and respond to her. The complainant stated he never got back to her.
- The complainant reported that because she did not get a response from the Principal after one week, she contacted the Local District Operations Coordinator.
- The complainant stated she raised her concern about the exclusion of the Student from the fieldtrip and the Operations Coordinator wanted to move the Student into a different classroom. After some discussions over the moving of the Student to a 1st/2nd grade combination classroom, the parties agreed to move the Student to a second grade classroom. This was done two weeks before the end of the school year.
- The complainant reported that the removal of the Student from the Teacher's classroom to the new classroom was all done verbally. She stated there was no written communication from the Principal or the Local District documenting any of the discussions or the change in classroom.
- The District reported that the Student's Teacher during back-to-school night in the 2014-15 academic year stated her expectations about the behaviors that would be enforced to enhance the learning environment, including the conditions under which students can be excluded from events such as field trips. According to the District, she repeated these expectations at parent conferences and calls to parents.
- The District reported that the Teacher emphasized that with fieldtrips and other out-of-classroom activities involving travel, students must earn the opportunity of accompanying large groups of students. The Teacher explained that she had

verbally informed all the parents whose children were at risk for being excluded from the field trip that their children would be allowed on the field trip, if the parents were willing to be chaperones to help keep an eye on their student. There was no written documentation of this information being shared with parents/guardians.

- The Principal reported that the Student's behavior in class and on the yard was disruptive and disrespectful and that the complainant was often called and informed about the Student's behavior. The Teacher also sent home a weekly behavior report each Friday detailing the Student's behavior for the week. The Principal reported the behavior log was a response to the complainant's request.
- The Principal reported that a student study team was not scheduled for the Student because "the behaviors did not interfere with his learning." The Principal added, "[b]ehavior interventions were implemented in the classroom."
- OCR reviewed the "weekly behavior report" provided by the District which consisted of handwritten notes with the date and a few words next to each date describing the "behavior." The "entries" included statements such as "11/17 silly/giggling; 11/19 talking; 2/5 Not paying attention to T"; "2/9 fighting over ball"; "2/11 fighting on yard," "2/19 play fighting on run"; "4/20 attitude".
- The Principal explained that the animus between the Teacher and complainant reached a point where around early May, the complainant complained to the Director at the Local District. The Director then asked the Principal to move the Student from the Teacher's class.
- The complainant informed OCR that she was not notified that the Student's behavior was the reason for his exclusion from the fieldtrip. She was also not notified or given the opportunity to attend the fieldtrip with the Student as a way to manage his behavior.
- The District explained that the Student was excluded because of his disruptive behavior and not because of his race. The District further stated that it was not its policy to require parents/guardians to chaperone school fieldtrips to manage their children's behavior. This practice seemed to be particular to this teacher at the School.
- The District reported that the teacher had five African American students in a class of 26 students. The Student and one other student, who was also African American, were not allowed to go on the fieldtrip; the parent of that student could not chaperone the student.
- The Principal reported the complainant could not take advantage of the opportunity to be a chaperone, but other parents did. The Principal reported that there were at least three students who would not have been able to participate in

the fieldtrip if the parents had not offered to chaperone; the parents rode with their children to the fieldtrip and supervised them.

- The District reported that it did not receive notice of a complaint from the complainant about the Student's exclusion from the fieldtrip.

As noted above, under OCR's procedures, a complaint may be resolved at any time when, before the conclusion of an investigation, a District expresses an interest in resolving the complaint. Prior to the completion of OCR's investigation, the District entered into a resolution agreement to resolve the allegations in the complaint. The agreement is attached.

Because the District voluntarily resolved this complaint, OCR did not complete its investigation or reach conclusions as to whether the District failed to comply with Title VI. OCR will monitor the District's implementation of the agreement which is attached to this letter.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

OCR is closing this complaint as of the date of this letter and the complainant is being notified concurrently. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR would like to thank you and XXXXXXXX XXXXXXXX XXXXXXXX for your cooperation in resolving this complaint. If you have any questions about this letter, please contact Kana Yang at (415) 486-5382.

Sincerely,

/s/

Anamaria Loya
Team Leader

Enclosure